

Calendar No. 304

104TH CONGRESS
2^D Session

S. 1371

[Report No. 104-201]

A BILL

Entitled “Snowbasin Land Exchange Act of 1995”.

JANUARY 3, 1996

Reported with an amendment

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[Report No. 104–201]

Entitled “Snowbasin Land Exchange Act of 1995”.

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 1995

Mr. HATCH (for himself, Mr. CRAIG, Mr. BENNETT, and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JANUARY 3, 1996

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

Entitled “Snowbasin Land Exchange Act of 1995”.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Snowbasin Land Ex-
5 change Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) Salt Lake City, Utah, will host the 2002
2 Winter Olympics and certain Forest Service lands
3 are necessary to facilitate certain events of the
4 Olympic Games;

5 (2) Snowbasin Ski Resort, which is owned by
6 the Sun Valley Company, will host the men's and
7 women's downhill ski events plus other events associ-
8 ated with the 2002 Winter Olympics;

9 (3) in order to facilitate the events at the
10 Snowbasin Ski Resort and insure that all necessary
11 support facilities can be constructed, tested for safe-
12 ty and other purposes, and become fully operational
13 in advance of the 2002 Winter Olympics and earlier
14 pre-olympic events, it is in the public interest to ex-
15 change to the Sun Valley Company certain National
16 Forest System lands adjacent to the Snowbasin Ski
17 Resort in return for similar lands identified as desir-
18 able for acquisition by the Forest Service and which
19 possess outstanding recreational and other values for
20 future public use and enjoyment; and

21 (4) the Sun Valley Company and the Snowbasin
22 Ski Resort have long established histories as respon-
23 sible caretakers and operators of ski areas adjacent
24 to Forest Service lands and have worked in coopera-

1 tion with the Forest Service to negotiate this ex-
 2 change.

3 **SEC. 3. PURPOSE AND INTENT.**

4 The purpose of this Act is to authorize and direct
 5 the Secretary to exchange 1,320 acres of federally-owned
 6 land within the Cache National Forest in the State of
 7 Utah for lands of approximately equal value owned by the
 8 Sun Valley Company. It is the intent of Congress that this
 9 exchange be effected without delay within the period speci-
 10 fied by section 5.

11 **SEC. 4. DEFINITIONS.**

12 As used in this Act—

13 (1) the term “Sun Valley Company” means the
 14 Sun Valley Company, a division of Sinclair Oil Cor-
 15 poration, a Wyoming Corporation, or its successors
 16 or assigns; and

17 (2) the term “Secretary” means the Secretary
 18 of Agriculture.

19 **SEC. 5. EXCHANGE.**

20 (a) **FEDERAL SELECTED LANDS.**—

21 (1) **IN GENERAL.**—Not later than 45 days after
 22 the final determination of value of the Federal se-
 23 lected lands, the Secretary shall, subject to this Act,
 24 transfer all right, title, and interest of the United

1 States in and to the lands referred to in paragraph
2 (2) to the Sun Valley Company.

3 (2) LANDS DESCRIBED.—The lands referred to
4 in paragraph (1) are certain lands within the Cache
5 National Forest in the State of Utah comprising
6 1,320 acres, more or less, as generally depicted on
7 the map entitled “Snowbasin Land Exchange—Pro-
8 posed” and dated October 1995.

9 (b) NON-FEDERAL OFFERED LANDS.—Upon trans-
10 fer of the Federal selected lands under subsection (a), and
11 in exchange for those lands, the Sun Valley Company shall
12 convey to the Secretary all right, title and interest of the
13 Sun Valley Company in and to so much of the following
14 offered lands which have been previously identified by the
15 United States Forest Service as desirable by the United
16 States, or which are identified pursuant to paragraph (5),
17 as are of approximate equal value to the Federal selected
18 lands:

19 (1) Certain lands located within the exterior
20 boundaries of the Cache National Forest in Weber
21 County, Utah, which comprise approximately 640
22 acres and are generally depicted on a map entitled
23 “Lightning Ridge Offered Lands”, dated October
24 1995.

1 (2) Certain lands located within the Cache Na-
2 tional Forest in Weber County, Utah, which com-
3 prise approximately 635 acres and are generally de-
4 picted on a map entitled “Wheeler Creek Watershed
5 Offered Lands-Section 21”, dated October 1995.

6 (3) Certain lands located within the exterior
7 boundaries of the Cache National Forest in Weber
8 County, Utah, and lying immediately adjacent to the
9 outskirts of the City of Ogden, Utah, which comprise
10 approximately 800 acres and are generally depicted
11 on a map entitled “Taylor Canyon Offered Lands”,
12 dated October 1995.

13 (4) Certain lands located within the exterior
14 boundaries of the Cache National Forest in Weber
15 County, Utah, which comprise approximately 2,040
16 acres and are generally depicted on a map entitled
17 “North Fork Ogden River-Devil’s Gate Valley”,
18 dated October 1995.

19 (5) Such additional offered lands as are mutu-
20 ally identified by the Secretary and the Sun Valley
21 Company as being desirable for acquisition by the
22 United States and which are necessary to make the
23 values of the lands exchanged pursuant to this Act
24 approximately equal.

1 (c) ~~SUBSTITUTION OF OFFERED LANDS.—~~If one or
2 more of the precise offered land parcels identified in para-
3 graphs ~~(1) through (4)~~ of subsection (b) is unable to be
4 conveyed to the United States due to appraisal or other
5 reasons, or if the Secretary and the Sun Valley Company
6 mutually agree and the Secretary determines that an al-
7 ternative offered land package would better serve long
8 term public needs and objectives, the Sun Valley Company
9 may, at its discretion, convey to the United States alter-
10 native offered lands identified by the Secretary in lieu of
11 any or all of the lands identified in paragraphs ~~(1) through~~
12 ~~(4)~~ of subsection (b).

13 (d) ~~VALUATION AND APPRAISALS.—~~

14 (1) Values of the lands to be exchanged pursu-
15 ant to this Act shall be approximately equal as de-
16 termined by the Secretary utilizing nationally recog-
17 nized appraisal standards. If due to size, location, or
18 use of lands exchanged under this Act, the values
19 are not exactly equal, they shall be equalized by the
20 payment of cash equalization money to the Secretary
21 or the Sun Valley Company as appropriate in ac-
22 cordance with section 206(b) of the Federal Land
23 Policy and Management Act of 1976 (43 U.S.C.
24 1716). In order to expedite the consummation of the
25 exchange directed by this Act, the Sun Valley Com-

pany shall arrange and pay for appraisals of the offered and selected lands by a qualified appraiser mutually acceptable to the Sun Valley Company and the Secretary. The appraisal of the Federal selected lands shall be completed and submitted to the Secretary for approval no later than 90 days after the date of enactment of this Act and the Secretary shall make a determination of value not later than 30 days after receipt of the appraisal. In the event the Secretary and the Sun Valley Company are unable to agree to the appraised value of a certain tract or tracts of land, the appraisal, appraisals, or appraisal issues in dispute and a final determination of value shall be resolved through a process of bargaining or submitted to arbitration in accordance with section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)).

(2) In order to expedite the appraisal of the Federal selected lands, such appraisal shall—

(A) value the land as a single entity for its highest and best use as if in private ownership and as of the date of enactment of this Act;

(B) consider the effect on value of improvements constructed on the land by the Forest Service or third parties but not consider im-

1 provements owned or constructed by the
2 Snowbasin Ski Resort or previous permittee;

3 ~~(C)~~ recognize that Snowbasin is a proven
4 ski area and assume that special use permits
5 which are required for operation of a ski resort
6 would be granted a buyer of the Federal se-
7 lected lands;

8 ~~(D)~~ consider the effect on value of any ex-
9 isting special use permits on the land held by
10 parties other than the Snowbasin Ski Resort;

11 ~~(E)~~ not reflect any enhancement in value
12 to the Federal selected lands based on the exist-
13 ence of private lands owned by the Sun Valley
14 Company in the vicinity of the Snowbasin Ski
15 Resort, and shall assume that private lands
16 owned by the Sun Valley Company are not
17 available for use in conjunction with the Fed-
18 eral selected lands; and

19 ~~(F)~~ reflect any diminution in value result-
20 ing from deed restrictions or other conditions
21 on the transfer of the Federal selected lands.

22 **SEC. 6. GENERAL PROVISIONS RELATING TO THE EX-**
23 **CHANGE.**

24 ~~(a) IN GENERAL.~~—The exchange authorized by this
25 Act shall be subject to the following terms and conditions:

1 (1) ~~RESERVED RIGHTS-OF-WAY.~~—In the deed to
 2 be issued pursuant to section 5(a), the Secretary
 3 shall reserve in the United States a right of reason-
 4 able access across the property conveyed for admin-
 5 istrative purposes of the United States necessary to
 6 manage adjacent federally-owned lands. The terms
 7 of such access shall be prescribed by the Secretary
 8 within 30 days after the date of the enactment of
 9 this Act.

10 (2) ~~RIGHT OF RESCISSION.~~—This Act shall not
 11 be binding on either the United States or the Sun
 12 Valley Company if, within 30 days after the final de-
 13 termination of value of the Federal selected lands,
 14 the Sun Valley Company submits to the Secretary a
 15 duly authorized and executed resolution of the Com-
 16 pany stating its intention not to enter into the ex-
 17 change authorized by this Act.

18 (b) ~~WITHDRAWAL.~~—Subject to valid existing rights,
 19 effective on the date of enactment of this Act, the Federal
 20 selected lands described in section 5(a) and all National
 21 Forest System lands currently under special use permit
 22 to the Sun Valley Company at the Snowbasin Ski Resort
 23 are hereby withdrawn from all forms of appropriation
 24 under the public land laws (including the mining laws) and

1 from disposition under all laws pertaining to mineral and
2 geothermal leasing.

3 (c) DEED.—The conveyance of the offered lands to
4 the United States under this Act shall be by general war-
5 ranty or other deed acceptable to the Secretary and in con-
6 formity with applicable title standards of the Attorney
7 General of the United States.

8 (d) STATUS OF LANDS.—Upon acceptance of title by
9 the Secretary, the lands conveyed to the United States
10 pursuant to section 5 shall be added to and made part
11 of the National Forest System and shall be administered
12 and managed by the Secretary in accordance with the laws
13 and regulations pertaining to the National Forest System.

14 (e) IMPLEMENTATION OF PLAN.—The Secretary
15 shall implement the Phase I Master Development Plan for
16 the Snowbasin Ski Area dated November 14, 1995. Noth-
17 ing in this subsection is intended to affect the Forest Serv-
18 ice's responsibility to monitor and assure compliance with
19 the environmental provisions of the Phase I Master Devel-
20 opment Plan and permit during development and oper-
21 ation.

22 (f) MODIFICATION OF PLAN.—The Phase I Master
23 Development Plan referenced in this subsection may be
24 modified at any time after November 14, 1995, by mutual
25 agreement of the Secretary and the Sun Valley Company.

1 ~~(g) REPORT TO CONGRESS.—The Secretary shall re-~~
 2 ~~port to the Committee on Resources of the House of Rep-~~
 3 ~~resentatives and the Committee on Energy and Natural~~
 4 ~~Resources of the Senate that implementation of the Mas-~~
 5 ~~ter Development Plan provides sufficient environmental~~
 6 ~~protections.~~

7 ~~(h) OTHER LAWS.—Congress finds this exchange and~~
 8 ~~the Phase I Master Development Plan referred to in sub-~~
 9 ~~section (d) and any mutually agreed to modifications~~
 10 ~~thereof to be in conformity with all other laws, including~~
 11 ~~those pertaining to the exchange and acquisition of lands~~
 12 ~~and regarding environmental protection. Except as specifi-~~
 13 ~~cally required in this Act, the Secretary shall not conduct~~
 14 ~~any environmental analysis, resource surveys, or under-~~
 15 ~~take any other action or procedure as a condition to~~
 16 ~~effecting any other provision of this Act.~~

17 ***SECTION 1. SHORT TITLE.***

18 *This Act may be cited as the “Snowbasin Land Ex-*
 19 ~~*change Act of 1995”.*~~

20 ***SEC. 2. FINDINGS AND DETERMINATION.***

21 ~~(a) FINDINGS.—The Congress finds that—~~

22 ~~(1) in June 1995, Salt Lake City, Utah, was se-~~
 23 ~~lected to host the 2002 Winter Olympic Games, and~~
 24 ~~the Snowbasin Ski Resort, which is owned by the Sun~~
 25 ~~Valley Company, was identified as the site of six~~

1 *Olympic events: the men's and women's downhill,*
2 *men's and women's Super-Gs, and men's and wom-*
3 *en's combined downhill;*

4 *(2) in order to adequately accommodate these*
5 *events, which are traditionally among the most popu-*
6 *lar and heavily attended at the Winter Olympic*
7 *Games, major new skiing, visitor, and support facili-*
8 *ties will have to be constructed at the Snowbasin Ski*
9 *Resort on land currently administered by the United*
10 *States Forest Service;*

11 *(3) while certain of these new facilities can be*
12 *accommodated on National Forest land under tradi-*
13 *tional Forest Service permitting authorities, the base*
14 *area facilities necessary to host visitors to the ski area*
15 *and the Winter Olympics are of such a nature that*
16 *they should logically be located on private land;*

17 *(4) land exchanges have been routinely utilized*
18 *by the Forest Service to transfer base area lands to*
19 *many other ski areas, and the Forest Service and the*
20 *Sun Valley Company have concluded that a land ex-*
21 *change to transfer base area lands at the Snowbasin*
22 *Ski Resort to the Sun Valley Company is both logical*
23 *and advisable;*

24 *(5) an environmental impact statement and nu-*
25 *merous resource studies have been completed by the*

1 *Forest Service and the Sun Valley Company for the*
2 *lands proposed to be transferred to the Sun Valley*
3 *Company by this Act;*

4 (6) *the Sun Valley Company has assembled*
5 *lands with outstanding environmental, recreational,*
6 *and other values to convey to the Forest Service in re-*
7 *turn for the lands it will receive in the exchange, and*
8 *the Forest Service has identified such lands as desir-*
9 *able for acquisition by the United States; and*

10 (7) *completion of a land exchange and approval*
11 *of a development plan for Olympic related facilities*
12 *at the Snowbasin Ski Resort is essential to ensure*
13 *that all necessary facilities can be constructed, tested*
14 *for safety and other purposes, and become fully oper-*
15 *ational in advance of the 2002 Winter Olympics and*
16 *earlier pre-Olympic events.*

17 (b) *DETERMINATION.*—*The Congress has reviewed the*
18 *previous analyses and studies of the lands to be exchanged*
19 *and developed pursuant to this Act, and has made its own*
20 *review of these lands and issues involved, and on the basis*
21 *of those reviews hereby finds and determines that a legis-*
22 *lated land exchange and development plan approval with*
23 *respect to certain National Forest System Lands is nec-*
24 *essary to meet Olympic goals and timetables.*

1 **SEC. 3. PURPOSE AND INTENT.**

2 *The purpose of this Act is to authorize and direct the*
 3 *Secretary to exchange 1,320 acres of federally-owned land*
 4 *within the Cache National Forest in the State of Utah for*
 5 *lands of approximately equal value owned by the Sun Val-*
 6 *ley Company. It is the intent of Congress that this exchange*
 7 *be completed without delay within the period specified by*
 8 *section 5.*

9 **SEC. 4. DEFINITIONS.**

10 *As used in this Act—*

11 *(1) the term “Sun Valley Company” means the*
 12 *Sun Valley Company, a division of Sinclair Oil Cor-*
 13 *poration, a Wyoming Corporation, or its successors or*
 14 *assigns; and*

15 *(2) the term “Secretary” means the Secretary of*
 16 *Agriculture.*

17 **SEC. 5. EXCHANGE.**

18 *(a) FEDERAL SELECTED LANDS.—(1) Not later than*
 19 *45 days after the final determination of value of the Federal*
 20 *selected lands, the Secretary shall, subject to this Act, trans-*
 21 *fer all right, title, and interest of the United States in and*
 22 *to the lands referred to in paragraph (2) to the Sun Valley*
 23 *Company.*

24 *(2) The lands referred to in paragraph (1) are certain*
 25 *lands within the Cache National Forest in the State of Utah*
 26 *comprising 1,320 acres, more or less, as generally depicted*

1 on the map entitled “Snowbasin Land Exchange—Pro-
2 posed” and dated October 1995.

3 (b) *NON-FEDERAL OFFERED LANDS.*—Upon transfer
4 of the Federal selected lands under subsection (a), and in
5 exchange for those lands, the Sun Valley Company shall si-
6 multaneously convey to the Secretary all right, title and
7 interest of the Sun Valley Company in and to so much of
8 the following offered lands which have been previously iden-
9 tified by the United States Forest Service as desirable by
10 the United States, or which are identified pursuant to para-
11 graph (5) prior to the transfer of lands under subsection
12 (a), as are of approximate equal value to the Federal se-
13 lected lands:

14 (1) *Certain lands located within the exterior*
15 *boundaries of the Cache National Forest in Weber*
16 *County, Utah, which comprise approximately 640*
17 *acres and are generally depicted on a map entitled*
18 *“Lightning Ridge Offered Lands”, dated October*
19 *1995.*

20 (2) *Certain lands located within the Cache Na-*
21 *tional Forest in Weber County, Utah, which comprise*
22 *approximately 635 acres and are generally depicted*
23 *on a map entitled “Wheeler Creek Watershed Offered*
24 *Lands-Section 21”, dated October 1995.*

1 (3) *Certain lands located within the exterior*
2 *boundaries of the Cache National Forest in Weber*
3 *County, Utah, and lying immediately adjacent to the*
4 *outskirts of the City of Ogden, Utah, which comprise*
5 *approximately 800 acres and are generally depicted*
6 *on a map entitled “Taylor Canyon Offered Lands”,*
7 *dated October 1995.*

8 (4) *Certain lands located within the exterior*
9 *boundaries of the Cache National Forest in Weber*
10 *County, Utah, which comprise approximately 2,040*
11 *acres and are generally depicted on a map entitled*
12 *“North Fork Ogden River-Devil’s Gate Valley”, dated*
13 *October 1995.*

14 (5) *Such additional offered lands in the State of*
15 *Utah as may be necessary to make the values of the*
16 *lands exchanged pursuant to this Act approximately*
17 *equal, and which are acceptable to the Secretary.*

18 (c) *SUBSTITUTION OF OFFERED LANDS.—If one or*
19 *more of the precise offered land parcels identified in para-*
20 *graphs (1) through (4) of subsection (b) is unable to be con-*
21 *veyed to the United States due to appraisal or other rea-*
22 *sons, or if the Secretary and the Sun Valley Company mu-*
23 *tually agree and the Secretary determines that an alter-*
24 *native offered land package would better serve long term*
25 *public needs and objectives, the Sun Valley Company may*

1 *simultaneously convey to the United States alternative of-*
 2 *fered lands in the State of Utah acceptable to the Secretary*
 3 *in lieu of any or all of the lands identified in paragraphs*
 4 *(1) through (4) of subsection (b).*

5 (d) VALUATION AND APPRAISALS.—(1) *Values of the*
 6 *lands to be exchanged pursuant to this Act shall be equal*
 7 *as determined by the Secretary utilizing nationally recog-*
 8 *nized appraisal standards and in accordance with section*
 9 *206 of the Federal Land Policy and Management Act of*
 10 *1976. The appraisal reports shall be written to Federal*
 11 *standards as defined in the Uniform Appraisal Standards*
 12 *for Federal Land Acquisitions. If, due to size, location, or*
 13 *use of lands exchanged under this Act, the values are not*
 14 *exactly equal, they shall be equalized by the payment of cash*
 15 *equalization money to the Secretary or the Sun Valley Com-*
 16 *pany as appropriate in accordance with section 206(b) of*
 17 *the Federal Land Policy and Management Act of 1976 (43*
 18 *U.S.C. 1716(b)). In order to expedite the consummation of*
 19 *the exchange directed by this Act, the Sun Valley Company*
 20 *shall arrange and pay for appraisals of the offered and se-*
 21 *lected lands by a qualified appraiser with experience in ap-*
 22 *praising similar properties and who is mutually acceptable*
 23 *to the Sun Valley Company and the Secretary. The ap-*
 24 *praisal of the Federal selected lands shall be completed and*
 25 *submitted to the Secretary for technical review and ap-*

1 *proval no later than 120 days after the date of enactment*
 2 *of this Act, and the Secretary shall make a determination*
 3 *of value not later than 30 days after receipt of the ap-*
 4 *praisal. In the event the Secretary and the Sun Valley Com-*
 5 *pany are unable to agree to the appraised value of a certain*
 6 *tract or tracts of land, the appraisal, appraisals, or ap-*
 7 *praisal issues in dispute and a final determination of value*
 8 *shall be resolved through a process of bargaining or submis-*
 9 *sion to arbitration in accordance with section 206(d) of the*
 10 *Federal Land Policy and Management Act of 1976 (43*
 11 *U.S.C. 1716(d)).*

12 (2) *In order to expedite the appraisal of the Federal*
 13 *selected lands, such appraisal shall—*

14 (A) *value the land in its unimproved state, as a*
 15 *single entity for its highest and best use as if in pri-*
 16 *vate ownership and as of the date of enactment of this*
 17 *Act;*

18 (B) *consider the Federal lands as an independ-*
 19 *ent property as though in the private marketplace*
 20 *and suitable for development to its highest and best*
 21 *use;*

22 (C) *consider in the appraisal any encumbrance*
 23 *on the title anticipated to be in the conveyance to*
 24 *Sun Valley Company and reflect its effect on the fair*
 25 *market value of the property; and*

1 (D) not reflect any enhancement in value to the
 2 Federal selected lands based on the existence of pri-
 3 vate lands owned by the Sun Valley Company in the
 4 vicinity of the Snowbasin Ski Resort, and shall as-
 5 sume that private lands owned by the Sun Valley
 6 Company are not available for use in conjunction
 7 with the Federal selected lands.

8 **SEC. 6. GENERAL PROVISIONS RELATING TO THE EX-**
 9 **CHANGE.**

10 (a) *IN GENERAL.*—The exchange authorized by this
 11 Act shall be subject to the following terms and conditions:

12 (1) *RESERVED RIGHTS-OF-WAY.*—In any deed is-
 13 sued pursuant to section 5(a), the Secretary shall re-
 14 serve in the United States a right of reasonable access
 15 across the conveyed property for public access and for
 16 administrative purposes of the United States nec-
 17 essary to manage adjacent federally-owned lands. The
 18 terms of such reservation shall be prescribed by the
 19 Secretary within 30 days after the date of the enact-
 20 ment of this Act.

21 (2) *RIGHT OF RESCISSION.*—This Act shall not
 22 be binding on either the United States or the Sun
 23 Valley Company if, within 30 days after the final de-
 24 termination of value of the Federal selected lands, the
 25 Sun Valley Company submits to the Secretary a duly

1 *authorized and executed resolution of the Company*
2 *stating its intention not to enter into the exchange*
3 *authorized by this Act.*

4 *(b) WITHDRAWAL.—Subject to valid existing rights, ef-*
5 *fective on the date of enactment of this Act, the Federal se-*
6 *lected lands described in section 5(a)(2) and all National*
7 *Forest System lands currently under special use permit to*
8 *the Sun Valley Company at the Snowbasin Ski Resort are*
9 *hereby withdrawn from all forms of appropriation under*
10 *the public land laws (including the mining laws) and from*
11 *disposition under all laws pertaining to mineral and geo-*
12 *thermal leasing.*

13 *(c) DEED.—The conveyance of the offered lands to the*
14 *United States under this Act shall be by general warranty*
15 *or other deed acceptable to the Secretary and in conformity*
16 *with applicable title standards of the Attorney General of*
17 *the United States.*

18 *(d) STATUS OF LANDS.—Upon acceptance of title by*
19 *the Secretary, the land conveyed to the United States pursu-*
20 *ant to this Act shall become part of the Wasatch or Cache*
21 *National Forests as appropriate, and the boundaries of such*
22 *National Forests shall be adjusted to encompass such lands.*
23 *Once conveyed, such lands shall be managed in accordance*
24 *with the Act of March 1, 1911, as amended (commonly*
25 *known as the “Weeks Act”), and in accordance with the*

1 other laws, rules and regulations applicable to National
 2 Forest System lands. This subsection does not limit the Sec-
 3 retary's authority to adjust the boundaries pursuant to sec-
 4 tion 11 of the Act of March 1, 1911 ("Weeks Act"). For
 5 the purposes of section 7 of the Land and Water Conserva-
 6 tion Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries
 7 of the Wasatch and Cache National Forests, as adjusted by
 8 this Act, shall be considered to be boundaries of the forests
 9 as of January 1, 1965.

10 **SEC. 7. PHASE I FACILITY CONSTRUCTION AND OPERATION.**

11 (a) *PHASE I FACILITY FINDING AND REVIEW.*—(1)
 12 The Congress has reviewed the Snowbasin Ski Area Master
 13 Development Plan dated October 1995 (hereinafter in this
 14 section referred to as the "Master Plan"). On the basis of
 15 such review, and review of previously completed environ-
 16 mental and other resource studies for the Snowbasin Ski
 17 Area, Congress hereby finds that the "Phase I" facilities re-
 18 ferred to in the Master Plan to be located on National For-
 19 est System land after consummation of the land exchange
 20 directed by this Act are limited in size and scope, are rea-
 21 sonable and necessary to accommodate the 2002 Olympics,
 22 and in some cases are required to provide for the safety
 23 of skiing competitors and spectators.

24 (2) Within 60 days after the date of enactment of this
 25 Act, the Secretary and the Sun Valley Company shall re-

1 *view the Master Plan insofar as such plan pertains to Phase*
 2 *I facilities which are to be constructed and operated wholly*
 3 *or partially on National Forest System lands retained by*
 4 *the Secretary after consummation of the land exchange di-*
 5 *rected by this Act. The Secretary may modify such Phase*
 6 *I facilities upon mutual agreement with the Sun Valley*
 7 *Company or by imposing conditions pursuant to subsection*
 8 *(b) of this section.*

9 (3) *Within 90 days after the date of enactment of this*
 10 *Act, the Secretary shall submit the reviewed Master Plan*
 11 *on the Phase I facilities, including any modifications made*
 12 *thereto pursuant to paragraph (2), to the Committee on En-*
 13 *ergy and Natural Resources of the United States Senate and*
 14 *the Committee on Resources of the United States House of*
 15 *Representatives for a 30-day review period. At the end of*
 16 *the 30-day period, unless otherwise directed by Act of Con-*
 17 *gress, the Secretary may issue all necessary authorizations*
 18 *for construction and operation of such facilities or modi-*
 19 *fications thereof in accordance with the procedures and pro-*
 20 *visions of subsection (b) of this section.*

21 (b) *PHASE I FACILITY APPROVAL, CONDITIONS, AND*
 22 *TIMETABLE.*—*Within 120 days of receipt of an application*
 23 *by the Sun Valley Company to authorize construction and*
 24 *operation of any particular Phase I facility, facilities, or*
 25 *group of facilities, the Secretary, in consultation with the*

1 *Sun Valley Company, shall authorize construction and op-*
 2 *eration of such facility, facilities, or group of facilities, sub-*
 3 *ject to the general policies of the Forest Service pertaining*
 4 *to the construction and operation of ski area facilities on*
 5 *National Forest System lands and subject to reasonable con-*
 6 *ditions to protect National Forest System resources. In pro-*
 7 *viding authorization to construct and operate a facility, fa-*
 8 *cilities, or group of facilities, the Secretary may not impose*
 9 *any condition that would significantly change the location,*
 10 *size, or scope of the applied for Phase I facility unless—*

11 (1) *the modification is mutually agreed to by the*
 12 *Secretary and the Sun Valley Company; or*

13 (2) *the modification is necessary to protect*
 14 *health and safety.*

15 *Nothing in this section shall be construed to affect the Sec-*
 16 *retary's responsibility to monitor and assure compliance*
 17 *with the conditions set forth in the construction and oper-*
 18 *ation authorization.*

19 (c) *CONGRESSIONAL DIRECTIONS.—Notwithstanding*
 20 *any other provision of law, Congress finds that consumma-*
 21 *tion of the land exchange directed by this Act and all deter-*
 22 *minations, authorizations, and actions taken by the Sec-*
 23 *retary pursuant to this Act pertaining to Phase I facilities*
 24 *on National Forest System lands, or any modifications*
 25 *thereof, to be nondiscretionary actions authorized and di-*

1 *rected by Congress and hence to comply with all procedural*
 2 *and other requirements of the laws of the United States.*
 3 *Such determinations, authorizations, and actions shall not*
 4 *be subject to administrative or judicial review.*

5 ***SEC. 8. NO PRECEDENT.***

6 *Nothing in section 5(d)(2) of this Act relating to condi-*
 7 *tions or limitations on the appraisal of the Federal lands,*
 8 *or any provision of section 7 relating to the approval by*
 9 *the Congress or the Forest Service of facilities on National*
 10 *Forest System lands, shall be construed as a precedent for*
 11 *subsequent legislation.*

○

S 1371 RS—2

S 1371 RS—3